

AMENDED IN SENATE APRIL 16, 2015

SENATE BILL

No. 708

Introduced by Senator Mendoza

February 27, 2015

An act to amend Section 49557 of the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

SB 708, as amended, Mendoza. Pupil nutrition: free or reduced-price meals: online applications.

(1) Existing law requires each school district and county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate, free or reduced-price meal during each schoolday. Existing law requires the governing board of a school district and the county superintendent of schools to make applications for free or reduced-price meals available to pupils at all times during each regular schoolday. Existing law requires the Superintendent of Public Instruction to supervise the implementation of this program and to investigate acts of alleged noncompliance.

This bill would authorize the governing boards of school districts and county superintendents of schools to also make applications for free or reduced-price meals electronically available online. The bill would specify requirements that would have to be met by the governing boards of school districts and county superintendents of schools who choose to provide access to an online application under this bill.

The bill would require all applications to include clear instructions for families that are homeless or are migrants. To the extent that this

provision would impose new duties on local educational agencies, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to enact
2 legislation to improve access to children from refugee and
3 immigrant households to child nutrition programs.

4 SEC. 2. Section 49557 of the Education Code is amended to
5 read:

6 49557. (a) (1) The governing board of a school district and
7 the county superintendent of schools shall make paper applications
8 for free or reduced-price meals available to pupils at all times
9 during each regular schoolday, and may also make an application
10 electronically available online, provided that the online application
11 complies with paragraph (3). ~~The Pursuant to federal and state~~
12 ~~guidelines, the~~ application shall contain clear instructions for
13 families that are homeless or are migrants, and shall also contain,
14 in at least 8-point boldface type, each of the following statements:

15 (A) Applications for free and reduced-price meals may be
16 submitted at any time during a schoolday.

17 (B) Children participating in the *federal* National School Lunch
18 Program will not be overtly identified by the use of special tokens,
19 special tickets, special serving lines, separate entrances, separate
20 dining areas, or by any other means.

21 (2) A school district and the county superintendent of schools
22 shall use all other paper applications it has for free or reduced-price
23 meals before utilizing the applications pursuant to this subdivision.

24 (3) If the governing board of a school district, a county office
25 of education, or a school food service officer chooses to provide
26 access to an online application for free or reduced-price meals

1 pursuant to paragraph (1), the online application shall comply with
2 all of the following requirements:

3 (A) Include a link to *the Internet Web site on which* translated
4 applications ~~provided for all languages for which are posted by~~
5 the United States Department of ~~Agriculture has provided a~~
6 ~~translation~~, *Agriculture*, with instructions in that language that
7 inform the applicant how to submit the application. *The Legislature*
8 *finds and declares that federal guidelines require school food*
9 *authorities to accept and process these applications if they are*
10 *submitted to the school food authority.*

11 (B) Require completion of only those questions that are
12 necessary for determining eligibility.

13 (C) Include clear instructions for families that are homeless or
14 are migrants.

15 (D) Comply with the privacy rights and disclosure protections
16 established by the federal Richard B. Russell National School
17 Lunch Act (Public Law 113-79) and the federal Children's Online
18 Privacy Protection Act of 1998 (Public Law 105-277).

19 (E) Include links to all of the following:

20 (i) The online application to CalFresh.

21 (ii) The online single state application for health care.

22 (iii) The Internet Web site maintained by the State Department
23 of Public Health providing ZIP-Code-specific referrals to the
24 ~~Women, Supplemental Nutrition Program for Special Supplemental~~
25 *Nutrition Program for Women, Infants and Children.*

26 (iv) The Internet Web site of a summer lunch program
27 authorized to participate within the city or school district.

28 (F) No online application for free or reduced-price meals shall
29 be made available online or made accessible online by a school
30 district, county office of education, or school food service officer
31 if the online application allows for the information provided by
32 an applicant to be used by a private entity for any ~~purpose~~, *purpose*
33 *not related to the administration of a school food program*, or if
34 the online application requires an applicant to waive any right or
35 to create a user account in order to submit the application.

36 (b) The governing board of each school district and each county
37 superintendent of schools shall formulate a plan, which shall be
38 mailed to the State Department of Education for its approval, that
39 will ensure that children eligible to receive free or reduced-price

1 meals and milk shall not be treated differently from other children.

2 These plans shall ensure each of the following:

3 (1) Unless otherwise specified, the names of the children shall
4 not be published, posted, or announced in any manner, or used for
5 any other purpose other than the *federal* National School Lunch
6 Program.

7 (2) There shall be no overt identification of any of the children
8 by the use of special tokens or tickets or by any other means.

9 (3) The children shall not be required to work for their meals
10 or milk.

11 (4) The children shall not be required to use a separate dining
12 area, go through a separate serving line, enter the dining area
13 through a separate entrance, or consume their meals or milk at a
14 different time.

15 (c) When more than one lunch or breakfast or type of milk is
16 offered pursuant to this article, the children shall have the same
17 choice of meals or milk that is available to those children who pay
18 the full price for their meal or milk.

19 SEC. 3. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.